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STATE OF INDIANA

INDIANA UTILITY REGULATORY COMMISSION

IN THE MATTER OF THE VERIFIED )  
PETITION OF CENTURYLINK FOR ) CAUSE NO. 44207  
APPROVAL OF ITS TRANSITIONAL )  
INTRASTATE ACCESS SERVICES TARIFF )  
FILINGS AND EXPLANATION OF ) APPROVED: JUL 03 2012  
COMPLIANCE WITH FCC REQUIREMENTS )

ORDER OF THE COMMISSION

**Presiding Officers:**

**Larry S. Landis, Commissioner**

**Loraine L. Seyfried, Chief Administrative Law Judge**

On June 1, 2012, Petitioners, CenturyTel of Central Indiana, Inc. d/b/a CenturyLink, CenturyTel of Odon, Inc. d/b/a CenturyLink, and United Telephone Company of Indiana, Inc., d/b/a CenturyLink (collectively "CenturyLink") filed a Verified Petition ("Petition") requesting the Indiana Utility Regulatory Commission ("Commission") issue an Order approving CenturyLink's proposed revisions to its Intrastate Access Services Tariffs, in compliance with the November 18, 2011 Report and Order and Further Notice of Proposed Rulemaking by the Federal Communications Commission ("FCC") in WC Docket No. 10-90, et al. (FCC 11-161) ("USF/ICC Transformation Order").<sup>1</sup> In addition, CenturyLink filed concurrently a Verified Petition for the Protection of Confidential and Proprietary Information for its demand and revenue data supporting its Transitional Intrastate Access Services rate reductions and revenue calculations ("Confidential Information").

On June 20, 2012, after the submission of additional information on June 11 and 18, 2012 by CenturyLink, the Commission granted CenturyLink's Petition for the Protection of Confidential and Proprietary Information, determining that the Confidential Information should be held as confidential by the Commission on a preliminary basis and excepted from public disclosure in accordance with Ind. Code §§ 8-1-2-29 and 5-14-3-4. On June 20, 2012, CenturyLink submitted the Confidential Information to the Commission.

Pursuant to notice duly published as required by law, proof of which was incorporated into the record by reference and placed in the official files of the Commission, an evidentiary hearing in this Cause was held at 1:00 p.m. on June 20, 2012 in Room 224 of the PNC Center, 101 West Washington Street, Indianapolis, Indiana. CenturyLink and the Indiana Office of Utility Consumer Counselor ("OUCC") appeared and were duly represented by counsel. No members of the general public appeared or sought to testify at the evidentiary hearing.

Based upon the applicable law and the evidence herein, the Commission now finds:

<sup>1</sup> *Connect America Fund*, 26 FCC Rcd 17663 (2011); 47 C.F.R. § 51.

1. **Notice and Jurisdiction.** Proper, legal and timely notice of the evidentiary hearing in this Cause was given and published by the Commission as provided by Indiana law. CenturyLink is a public utility and a communications service provider as those terms are defined in Ind. Code chs. 8-1-2 and 8-1-2.6 and is subject to the jurisdiction of the Commission in the manner and to the extent provided by the laws of the State of Indiana. Therefore, the Commission has jurisdiction over CenturyLink and the subject matter of this proceeding.

2. **CenturyLink's Characteristics.** Each of the companies which comprise CenturyLink in this Cause is an incumbent local exchange carrier ("LEC") as defined by 47 U.S.C. § 251(h), local exchange carrier as defined by 47 C.F.R. § 51.5 and certified by the Commission to provide communications services in Indiana. Each is also subject to the provisions of the FCC's USF-ICC Transformation Order and related rules requiring LECs to file Transitional Intrastate Access Service filings with the applicable state regulatory authority. 47 C.F.R. § 51.907(b).

3. **Summary of Evidence.** CenturyLink offered the testimony of Alan I. Matsumoto, State Regulatory and Legislative Affairs Manager, in support of its Petition. Mr. Matsumoto testified that CenturyLink's Intrastate Access Services tariff filings complied with the Commission's Communications Services Division's ("CSD") May 24, 2012 tariff filing guidelines. CSD's guidelines outlined two options the FCC established for LECs in developing Transitional Intrastate Access Service rates and structures to comply with the FCC's USF/ICC Transformation Order. Carriers selecting FCC Option # 1 are expected to maintain the current intrastate rate structure but must reduce certain intrastate access rates to achieve an overall revenue reduction of at least 50% of the difference between intrastate and interstate access revenues. Carriers selecting FCC Option # 2 are expected to mirror both the interstate rates and rate structure in their intrastate access tariffs. For LECs selecting Option #1, CSD's guidelines provided for the use of the Commission's 30-Day Filing process. Mr. Matsumoto stated CenturyLink's Transitional Intrastate Access Service tariff filings are designed to implement Option #1. However, CenturyLink's tariff filing support package includes demand and revenue data for which CenturyLink requested confidential treatment and the Commission's 30-Day Filing process does not allow confidential treatment for any part of the filing. Mr. Matsumoto explained that because CenturyLink could not use the 30-Day Filing process, it filed a Petition to initiate this Cause.

CenturyLink submitted the following tariff filing packages with its Petition:

Exhibit A - CenturyTel of Central Indiana, Inc. d/b/a CenturyLink

Exhibit B - CenturyTel of Odon, Inc. d/b/a CenturyLink

Exhibit C - United Telephone Company of Indiana, Inc., d/b/a CenturyLink

CenturyLink's tariff filing packages also demonstrate how the filings implement the Transitional Intrastate Access Service reductions mandated by the FCC. The company-specific rate calculations are presented using the FCC's ICC Access Reduction template (Exhibit D to the Petition). CenturyLink included in the tariff filing packages the CSD's Calculation Worksheets for Terminating Transitional Intrastate Access Service as Attachment E. Mr. Matsumoto testified that CenturyLink's tariff filing packages complied with all applicable requirements of the Commission's 30-Day Filing process, except for the confidential supporting data. In addition, CenturyLink provided customer notice as required under 170 IAC 1-6-6, and each tariff filing package included Mr. Matsumoto's verified statement affirming that it met the notice requirements.

With respect to the confidential demand and revenue data contained in Petitioner's Exhibit 1-C, Mr. Matsumoto explained the CSD's tariff filing guidelines included a rate and revenue calculation workbook, which CenturyLink was required to complete and submit. He stated that in order to complete the revenue calculation workbook, CenturyLink had to populate it with demand and revenue information that CenturyLink considers to be highly confidential and competitively sensitive. Mr. Matsumoto testified the demand and revenue data are not generally known or readily ascertainable by proper means by others who can obtain economic value from the information's disclosure or use and its disclosure could cause competitive harm to CenturyLink.

**4. Commission Discussion and Findings.** Based on the evidence presented, the Commission finds that CenturyLink's proposed revisions to its Intrastate Access Services tariffs should be approved.<sup>2</sup> CenturyLink's evidence described in sufficient detail how it implemented the Transitional Intrastate Access Service reductions mandated by the FCC and that its company-specific rate calculations are consistent with the FCC's requirements. We note that no objection to CenturyLink's Transitional Intrastate Access Service tariffs was filed by the OUCC. Accordingly, we hereby approve CenturyLink's Transitional Intrastate Access Service tariffs and order that they be effective immediately.

CenturyLink's testimony and information submitted concerning its request that the demand and revenue data be excepted from public disclosure demonstrates such information satisfies the elements of a trade secret, as defined in Ind. Code § 24-2-3-2, and the Commission will continue to hold the Confidential Information as confidential pursuant to Ind. Code §§ 8-1-2-29 and 5-14-3-4.

**IT IS THEREFORE ORDERED BY THE INDIANA UTILITY REGULATORY COMMISSION that:**

1. CenturyLink's Transitional Intrastate Access Service tariffs are hereby approved.
2. This Order shall be effective on and after the date of its approval.

**ATTERHOLT, BENNETT, LANDIS, MAYS AND ZIEGNER CONCUR:**

**APPROVED:**                    **JUL 03 2012**

**I hereby certify that the above is a true and correct copy of the order as approved.**

  
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**Shala M. Coe**  
**Acting Secretary to the Commission**

<sup>2</sup> We are administratively aware that CenturyTel of Central Indiana, Inc. and CenturyTel of Odon, Inc. have initiated 30-Day Filings, ID Nos. 3016 and 3018, requesting to withdraw and cancel existing intrastate access tariffs. The tariffs filed in this Cause replace those intrastate access tariffs and amend them to comply with the USF/ICC Transformation Order.